

REMARKS

Claims 1 and 3-23 are pending, and claims 6-9 are amended by this amendment.

Applicants appreciate the courtesies extended by the Examiner in the telephone interview on August 22, 2005, conducted between Applicant's representative, Priscilla Morrison, and the Examiner. In the August 22, 2005 interview, claim 6 was discussed, and Applicants proposed filing an amendment which would amend claim 6 to remove the limitation that the balloon is a dilatation balloon.

In the aforesaid Office Action, the Examiner rejected claims 1 and 3-23 as being based upon a defective reissue oath under 35 USC § 251, stating that the reissue oath/declaration filed with the application is defective because it fails to identify at least one error which is relied upon to support the reissue application, and that since the original oath set forth an error that is no longer being corrected, the supplemental oath must specifically set forth an error that is being corrected.

Applicants have amended claim 6 to remove the limitation that the catheter is a dilatation catheter in which the catheter balloon is a dilatation balloon (Applicants have also amended claim 6 to remove the means phrase and set forth that the distal end of the proximal shaft section is releasably connected to the proximal end of the distal shaft section). The original reissue oath/declaration filed with the application sets forth that claim 6, limited to a dilatation catheter, unnecessarily limits the scope of the invention claimed because the catheter construction disclosed in the patent and contemplated by the invention is more broadly directed to an intravascular catheter (see paragraph 9 of the


original reissue oath/declaration filed with the application). Therefore, upon entry of the amendment to claim 6, the original oath/declaration does set forth an error that is being corrected. Support for the amendment can be found at the last paragraph of the Background Section, and the first paragraph of the Summary Section of Applicant's specification.

Consequently, Applicants submit that the rejection of the claims as being based upon a deflected reissue oath should be withdrawn.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Gunther O. Hanke
Registration No. 32,989

PMM:GOH:kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
99867.1